

To: DIAMOND, JANE[Diamond.Jane@epa.gov]; Vendlinski, Tim[vendlinski.tim@epa.gov]
From: Marcus, Felicia@Waterboards
Sent: Wed 9/4/2013 8:59:17 PM
Subject: RE: materials as requested [comparable flow diversions + RHA 408 permits + law review article]

Alas, not gonna work. Need to stay overnight in Sacto because of a late event that Warner has to stay at so won't get back to Bay Area til mid morning. I'll send you other dates when I get out of meetings later.

Felicia Marcus

Chair, State Water Resources Control Board

1001 I Street

Sacramento, CA 95814

(916)341-5615

(916)341-5620 fax

fmarcus@waterboards.ca.gov

From: DIAMOND, JANE [mailto:Diamond.Jane@epa.gov]
Sent: Tuesday, September 03, 2013 12:34 PM
To: Marcus, Felicia@Waterboards; vendlinski.tim@epa.gov
Subject: RE: materials as requested [comparable flow diversions + RHA 408 permits + law review article]

Hi Felicia. Are you thinking we'd discuss these materials Tim sent? If so, or if you have something else in mind for the conversation, we could meet you first thing in the morning in the East Bay, so Tim can preserve most of his non-work day. We could meet 8:00-9:00 at Rudy's Can't Fail Café or anywhere else easy for us to get to by transit or bike. I can re-adjust my schedule to accommodate this if you like, just let us know. Jane

From: Marcus, Felicia@Waterboards [mailto:Felicia.Marcus@waterboards.ca.gov]
Sent: Thursday, August 29, 2013 6:40 PM
To: Vendlinski, Tim
Cc: DIAMOND, JANE
Subject: Re: materials as requested [comparable flow diversions + RHA 408 permits + law review article]

Cool and thanks. So good to see you. Want to follow up next Friday?

Sent from my iPhone

On Aug 29, 2013, at 6:12 PM, "Vendlinski, Tim" <vendlinski.tim@epa.gov> wrote:

Hi Felicia:

Thanks for the opportunity to visit with you and Jane. I've attached two documents referenced during our conversation, and a third document that I think you will find interesting.

We addressed the question of comparable flow diversions in our recent comment letter on the Phase 1 SED (03-28-2013).

Please see section #5 on page 6 where we discuss data from other states and other countries.

The hyperlink for footnote #29 in our letter isn't functioning, but you can access the Richter et al. report at the pdf below.

<http://onlinelibrary.wiley.com/doi/10.1002/rra.1511/pdf>. The topic was also addressed by CABA at the Science of Natural Flows seminar (Les Grober was there representing SWRCB). Other estuaries where diversions exceed those of the Bay Delta include the Colorado River Delta where virtually all the freshwater was diverted.

Regarding Section 408 of the Rivers and Harbors Act, I've also attached the white paper prepared by the Sacramento Corps District on pertaining to the regulation of federal levees.

Finally, I've attached a proof version of a forthcoming law review article that profiles EPA's role in the Bay Delta process.

It will be published soon in the George Washington University/Environmental Law Institute Journal of Energy and Environmental Law.

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San Francisco, CA 94105-3901

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Subject: looking forward to seeing you Thursday

Thanks!

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<EPA Comments on SWRCB WQCP Phase I SED 3-28-2013.pdf>

<BDCP_RHA 408 permitting_Sacto Corps District white paper_03 12 13.docx>

<Doremus & Tarlock_Law Review Article on EPA's Role in Bay Delta 082013.pdf>